IN THE HIGH COURT OF UTTARNCHAL AT NAINIAL.

Writ Petition No. 2970 of 2001(M/S)
Old No. 8244/88

The Bazpur Co. operative Sugar Factory Ltd., Bazpur, district Nainital.
…….. Petitioner.

Versus

1. The Presiding Officer, Labour Court, Bareilly.
2. Deputy Labour Commissioner, Bareilly.
3. Sri Jagmohan Singh son of Sri Babu Lal Singh, C/o the Bazpur Co. operative Sugar Factory Ltd., Bazpur, district Nainital.

…….. Respondents.

Sri Kurban Ali Brief Holder of Sri Bipin Mohan Pingal, leaned counsel for the petitioner.
Sri J.C. Belwal, learned counsel for the respondents and Standing Counsel for respondent Nos. 1 and 2.

And

IN THE HIGH COURT OF UTTARNCHAL AT NAINIAL.

Writ Petition No. 7321 of 2001

Sri Jagmohan Singh son of Sri Babu Lal Singh, Cane Clerk, Bazpur Co. operative Sugar Factory Ltd. Bazpur, district Nainital. …….. Petitioner.

Versus

1. State of U.P.
2. M/S Bazpur Co. operative Sugar Factory Ltd., P.O. Bazpur, district Nainital (employer).
3. Labour Court, Bareilly.

…….. Respondents.

S. Sri J.C . Belwal, learned counsel for the petitioner.
Standing counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Kurban Ali, brief holder of Sri Bipin Kumar Pingal, counsel for the petitioner and Sri J.C. Belwal, leaned counsel for the respondent No.3. as well as the standing counsel.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 25.08.1987 passed by the Labour Court.

Briefly stated, the respondent No.3. was posted as weighment clerk at Bannakhera Cane Purchasing Centre on 02.05.1998. An inquiry was conducted against the respondent No.3 with regard to the charges leveled against him. The charge were found correct against him and the service of the respondent No.3 was terminated on 29.11.1978. The respondent No. 3 approached the Regional Conciliation Officer for settlement of the dispute between the respondent No.3 and

the petitioner. On failure of the conciliation proceedings, the State referred the matter to respondent No.1 vide reference dated 24.12.1981 for adjudication of the dispute. The respondent No.1 gave the award on 25.08.1987 holding that the punishment awarded by the Management was too excessive. However, the respondent No.1 has not awarded any back wages to the respondent No.3. and the order for reinstatement was made in favour of the respondent No.3 Feeling aggrieved, the petitioner, the petitioner has preferred the present writ petition.

The present writ petitions have been filed challenging the award. It has come on the record that the respondent No.3 has already been retired. Further, the order passed by the Labor Court by which the respondent No.3 has not been awarded the back wages justifies the matter in the circumstances of the case.

In view of the aforesaid I do not find any merit in both the writ petitions so as to interfere under Article 226/227 of the Constitution of India and they are liable to be dismissed.

Bothe the writ petitions are dismissed. No order as to costs.

(Rajesh Tandon, J.)

18.08.2006
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